

OHIO

House

of

Representatives

JOURNAL

TUESDAY, DECEMBER 8, 2009

ONE HUNDRED FOURTEENTH DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, December 8, 2009, 11:00 o'clock a.m.

The House met pursuant to adjournment.

Prayer was offered by Pastor Jon M. Fancher of the Rocky River Presbyterian Church in Rocky River, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of yesterday was read and approved.

The following guests of the House of Representatives were recognized by Speaker Budish prior to the commencement of business:

The Ottawa Hills High School Quiz Bowl team received H. R. 127, presented by Representative Sears-46th district.

Katherine Jamieson received H. R. 126, presented by Representative Sears-46th district.

Mark Sanders, Tim Burga, and Jim Carney, guests of Representatives Patten-18th district and Stewart-25th district.

Jeff Fuller, a guest of Representative Stewart-25th district.

Tim Anderson, John Tolbert, and former Representative Joyce Beatty, guests of Representative Weddington-27th district.

Judy Blair, wife of Representative Blair-38th district.

Erica Gelhaus, a guest of Representative Zehringer-77th district.

INTRODUCTION OF BILLS

The following bill was introduced:

H. B. No. 391-Representative Chandler.

Cosponsors: Representatives Harris, Weddington, Williams, B., Boyd, Foley, Fende, Domenick, Yuko, Williams, S., Brown, Murray, Ujvagi, Garland, Phillips, Heard, Hagan, Lehner.

To amend sections 149.43, 3503.15, and 3509.03 and to enact sections 111.31 to 111.40 and 3503.151 of the Revised Code to establish an address confidentiality program for individuals who reasonably believe that they are in danger of being threatened or physically harmed by another person.

Said bill was considered the first time.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Bills, House Joint Resolution and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 382 - Representative Sayre, Dodd

TO PROVIDE IMMUNITY FROM LIABILITY FOR ELIGIBLE LANDOWNERS WHO PROVIDE ACCESS TO ABANDONED MINE LAND OR LAND IMPACTED BY AN ABANDONED MINE OR TO A WATER RESOURCE LOCATED ON THE LANDOWNER'S LAND FOR PURPOSES OF RECLAMATION OR WATER POLLUTION ABATEMENT AND TO PROVIDE IMMUNITY FROM LIABILITY FOR NONPROFIT ORGANIZATIONS THAT PROVIDE FUNDING OR SERVICE FOR SUCH RECLAMATION OR WATER POLLUTION ABATEMENT; TO DESIGNATE THAT METHANE GAS EMITTED FROM AN ABANDONED COAL MINE CONSTITUTES A RENEWABLE ENERGY RESOURCE RATHER THAN AN ADVANCED ENERGY RESOURCE FOR PURPOSES OF THE LAW GOVERNING THE PROMOTION OF RENEWABLE ENERGY USAGE, ELECTRICITY SUPPLIED FROM RENEWABLE ENERGY SOURCES, AND RENEWABLE ENERGY CREDITS; AND TO AUTHORIZE THE CHIEF OF THE DIVISION OF MINERAL RESOURCES MANAGEMENT IN THE DEPARTMENT OF NATURAL RESOURCES TO MAKE LEASES TO REMOVE COAL BY UNDERGROUND MINING METHODS AT BURR OAK STATE PARK PURSUANT TO LEASE AGREEMENTS AND REAL ESTATE TRANSACTIONS THAT HAVE BEEN ENTERED INTO NOT LATER THAN JANUARY 1, 2011.

To the committee on Agriculture and Natural Resources

H.B. No. 383 - Representatives Baker and Stautberg, et al

TO CREATE AN ONLINE SMALL BUSINESS RESOURCE CENTER ON THE DEPARTMENT OF DEVELOPMENT'S INTERNET WEB SITE.

To the committee on Economic Development

H.J.R. No. 12 - Representatives S. Williams and Goyal, et al

PROPOSING TO AMEND SECTION 2P OF ARTICLE VIII OF THE CONSTITUTION OF THE STATE OF OHIO TO PERMIT THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FUND RESEARCH AND DEVELOPMENT.

To the committee on Economic Development

S.B. No. 151 - Senator Grendell, et al

TO AUTHORIZE A PARK DISTRICT'S BOARD OF PARK COMMISSIONERS TO CREATE A BUILDING DEPARTMENT FOR BUILDING CODE ENFORCEMENT PURPOSES.

To the committee on Local Government/Public Administration

T. TODD BOOK
MATT LUNDY
MIKE MORAN

BARBARA BOYD
SANDRA STABILE HARWOOD
LOUIS W. BLESSING

Representative Szollosi moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of the House Bills, House Joint Resolution and Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills, House Joint Resolution and Senate Bill were considered the second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Blessing reported for the Rules and Reference Committee recommending that the following House Resolutions be read by title only and approved:

H.R. No. 183 - Representative Luckie

Honoring Dr. John Parcell as the 2009 Ohio Professor of the Year.
Add the name: Harwood

H.R. No. 184 - Representatives Harris, Garland

Honoring the Gahanna Lincoln High School boys soccer team as the 2009 Division I State Champion.
Add the name: Harwood

H.R. No. 185 - Representative Dodd

Honoring Derek Edgington as a National 4-H Champion.
Add the name: Harwood

H.R. No. 186 - Representative Grossman

Honoring Cody Lucas as the 2009 Wendy's High School Heisman Award recipient.
Add the name: Harwood

/s/ TODD BOOK
Todd Book, Chair

Representative Szollosi moved that the Rules and Reference Committee Report on resolutions be agreed to and that the resolutions contained therein be approved.

The motion was agreed to.

Representative Goyal moved that majority party members asking leave to be absent or absent the week of Tuesday, December 8, 2009, be excused, so long as a written request is on file in the majority leadership offices.

The motion was agreed to.

Representative Adams, J. moved that minority party members asking leave to be absent or absent the week of Tuesday, December 8, 2009, be excused, so long as a written request is on file in the minority leadership offices.

The motion was agreed to.

On motion of Representative Szollosi, the House recessed.

The House met pursuant to recess.

BILLS FOR THIRD CONSIDERATION

H. B. No. 81-Representatives Boyd, Gardner.

Cosponsors: Representatives Weddington, Mallory, Domenick, Newcomb, Luckie, Miller, Yuko, Williams, B., Murray, Foley, Hagan, Chandler, Harris, Skindell, Oelslager, Okey, Pryor, Phillips, Williams, S., Bolon, Letson, Stewart, Brown, Garrison, Fende, Book, Winburn, Garland, Patten.

To amend sections 1739.05 and 1751.01 and to enact sections 1751.69 and 3923.71 of the Revised Code to require certain health care policies, contracts, agreements, and plans to provide benefits for equipment, supplies, and medication for the diagnosis, treatment, and management of diabetes and for diabetes self-management education, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Gardner moved to amend as follows:

Between lines 606 and 607, insert:

"Section 4. (A) There is hereby created the Small Business Health Care Affordability Task Force. The Task Force shall commence its organizational meeting not later than thirty days after the effective date of this section.

(B)(1) The Task Force members shall consist of all of the following:

(a) Three members of the House of Representatives, two of whom are appointed by the Speaker of the House of Representatives and one of whom is appointed by the Minority Leader of the House of Representatives;

(b) Three members of the Senate, two of whom are appointed by the President of the Senate and one of whom is appointed by the Minority Leader of the Senate.

(2) The Task Force may, at its organizational meeting, appoint up to five additional members to the Task Force who represent small business employers

or employees or who are otherwise relevant to the duties of the Task Force. A member appointed by the Task Force shall not be a member of the General Assembly.

(C) The Speaker of the House of Representatives and the President of the Senate shall each designate one member appointed under division (B)(1) of this section to serve as a co-chair of the Task Force.

(D) The Task Force shall do all of the following:

(1) Study the potential benefits of state tax incentives for small businesses that provide health insurance coverage for employees;

(2) Study potential state incentives for businesses to offer health wellness and disease prevention programs;

(3) Review employer health insurance tax incentives and wellness programs in other states and analyze whether such state policies would encourage greater affordability of employer-provided health insurance coverage and support employers in maintaining and expanding the workforce in Ohio;

(4) Consider federal legislation regarding the provision of health insurance by small businesses, including the proposed "Healthy Workforce Act of 2009" and "Small Business Health Options Program Act of 2009," and the potential impact of such federal legislation on Ohio's small businesses;

(5) Study the cost and feasibility of applying mandated health benefits as defined in section 3901.71 of the Revised Code to the Medicaid program.

(E) The Task Force shall report its findings and any recommendations to the Speaker of the House of Representatives, Minority Leader of the House of Representatives, President of the Senate, Minority Leader of the Senate, and Governor not later than six months following the initial organizational meeting of the Task Force.

(F) On submission of the report required under division (E) of this section, the Task Force shall cease to exist."

In line 607, delete "4" and insert "5"

In line 8 of the title, after "education" insert "and to create the Small Business Health Care Affordability Task Force"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 87, nays 9, as follows:

Those who voted in the affirmative were: Representatives

Adams R.	Amstutz	Bacon	Baker
Balderson	Batchelder	Belcher	Blair
Blessing	Bolon	Book	Boose
Boyd	Brown	Bubp	Carney
Celeste	Chandler	Coley	Daniels
DeBose	DeGeeter	Derickson	Dodd

Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goyal
Grossman	Hackett	Hall	Harris
Harwood	Heard	Hite	Hottinger
Huffman	Lehner	Letson	Luckie
Lundy	Maag	Mandel	McClain
McGregor	Mecklenborg	Moran	Morgan
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Ruhl	Sayre	Schneider
Sears	Skindell	Slesnick	Snitchler
Stautberg	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-87.

Those who voted in the negative were: Representatives

Adams J.	Beck	Burke	Combs
Goodwin	Jordan	Martin	Stebelton
			Wachtmann-9.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 10, delete "and" and insert a comma; after "3923.71" insert ", and 5111.017"

Between lines 596 and 597, insert:

" **Sec. 5111.017.** The provision of medical assistance under this chapter shall include the coverage as required under sections 1751.69 and 3923.71 of the Revised Code."

In line 2 of the title, delete "and" and insert a comma; after "3923.71" insert ", and 5111.017"

In line 8 of the title, after "education" insert "and to require the state Medicaid program to provide that coverage"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick

Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 601, after "after" insert "six months after"

In line 604, after "after" insert "six months after"

In line 606, after "after" insert "six months after"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart

Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

Between lines 469 and 470, insert:

" (E) This section does not apply to the offer or renewal of any group health insuring policy, contract, or agreement that is sponsored by an employer that employs fewer than fifty-one employees."

Between lines 596 and 597, insert:

" (F) This section does not apply to the offer or renewal of any group health insuring policy, contract, or agreement that is sponsored by an employer that employs fewer than fifty-one employees."

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart

Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 9, delete the first "and" and insert a comma; after "1751.01" insert ", 5725.98, 5729.98, 5733.01, 5733.98, 5747.08, and 5747.98"

In line 10, delete "and" and insert a comma; after "3923.71" insert ", 5725.33, 5729.20, 5733.60, 5747.81, and 5747.82"

In line 371, after " shall" insert " offer to"

In line 378, after " shall" insert " offer to"

In line 446, after " services" insert " for an employer-sponsored group health insurance contract"

In line 454, after " services" insert " for an employer-sponsored group health insurance contract"

In line 462, after " services" insert " for an employer-sponsored group health insurance contract"

In line 467, after " services" insert " for an employer-sponsored group health insurance contract"

In line 498, after " shall" insert " offer to"

In line 505, after " shall" insert " offer to"

In line 568, after " services" insert " for an employer-sponsored group health insurance contract"

In line 576, after " services" insert " for an employer-sponsored group health insurance contract"

In line 583, after "services" insert "for an employer-sponsored group health insurance contract"

In line 587, after "services" insert "for an employer-sponsored group health insurance contract"

Between lines 596 and 597, insert:

" **Sec. 5725.33.** (A) As used in this section:

(1) "Credit period" has the same meaning as in section 5725.31 of the Revised Code.

(2) "Employer cost percentage" means the percentage of the cost of the health care benefits described in division (B) of this section, less any related premium refunds, premium reimbursements, or insurance premium dividends received, that a dealer in intangibles or insurance company pays or incurs during its credit period.

(B) For credit periods beginning on or after January 1, 2010, a credit is allowed against the tax imposed by section 5707.03 and assessed under 5725.15 or imposed by 5725.18 of the Revised Code for a dealer in intangibles or an insurance company that offers health care benefits to its employees that includes coverage for diabetes-related supplies and services described in sections 1751.69 and 3923.71 of the Revised Code if the cost of the coverage increases by more than one per cent over the cost of the coverage for the preceding credit period. The credit equals one thousand dollars for each employee covered by such benefits as of the last day of the dealer's or insurance company's credit period, multiplied by the employer cost percentage for the credit period. The credit shall be claimed in the order required under section 5725.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code.

(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code.

(3) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code.

(4) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code.

(5) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections

150.01 to 150.10 of the Revised Code.

(6) The refundable credit for specified employee health care coverage under section 5725.33 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(4) ~~and~~ (5) ~~and~~ 6 of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5729.20. (A) As used in this section:

(1) "Credit period" has the same meaning as in section 5729.07 of the Revised Code.

(2) "Employer cost percentage" means the percentage of the cost of the health care benefits described in division (B) of this section, less any related premium refunds, premium reimbursements, or insurance premium dividends received, that a foreign insurance company pays or incurs during its credit period.

(B) For credit periods beginning on or after January 1, 2010, a credit is allowed against the tax imposed by section 5729.03 of the Revised Code for a foreign insurance company that offers health care benefits to its employees that includes coverage for diabetes-related supplies and services described in sections 1751.69 and 3923.71 of the Revised Code if the cost of the coverage increases by more than one per cent over the cost of the coverage for the preceding credit period. The credit equals one thousand dollars for each employee covered by such benefits as of the last day of the insurance company's credit period, multiplied by the employer cost percentage for the credit period. The credit shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code.

(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code.

(3) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code.

(4) The refundable credit for Ohio job creation under section 5729.032 of

the Revised Code.

(5) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(6) The refundable credit for specified employee health care coverage under section 5729.20 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(4) ~~and~~ (5) ~~, and~~ (6) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and each nonprofit corporation organized pursuant to Chapter 1729. of the Revised Code, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign corporations shall be the amount charged against each corporation organized for profit and each nonprofit corporation organized or operating in the same or similar manner as nonprofit corporations organized under Chapter 1729. of the Revised Code, under the laws of any state or country other than this state, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of doing business in this state, owning or using a part or all of its capital or property in this state, holding a certificate of compliance with the laws of this state authorizing it to do business in this state, or otherwise having nexus in or with this state under the Constitution of the United States, during the calendar year in which that amount is payable.

(B) A corporation is subject to the tax imposed by section 5733.06 of the Revised Code for each calendar year that it is so organized, doing business, owning or using a part or all of its capital or property, holding a certificate of compliance, or otherwise having nexus in or with this state under the Constitution of the United States, on the first day of January of that calendar year.

(C) Any corporation subject to this chapter that is not subject to the federal income tax shall file its returns and compute its tax liability as required by this chapter in the same manner as if that corporation were subject to the federal income tax.

(D) For purposes of this chapter, a federally chartered financial institution shall be deemed to be organized under the laws of the state within which its principal office is located.

(E) For purposes of this chapter, any person, as defined in section 5701.01 of the Revised Code, shall be treated as a corporation if the person is classified for federal income tax purposes as an association taxable as a corporation, and an equity interest in the person shall be treated as capital stock of the person.

(F) For the purposes of this chapter, "disregarded entity" has the same meaning as in division (D) of section 5745.01 of the Revised Code.

(1) A person's interest in a disregarded entity, whether held directly or indirectly, shall be treated as the person's ownership of the assets and liabilities of the disregarded entity, and the income, including gain or loss, shall be included in the person's net income under this chapter.

(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

(G) The tax a corporation is required to pay under this chapter shall be as follows:

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(v) For tax year 2009, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or one-fifth of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30), (31), (32), ~~and (33)~~ and (35) of section 5733.98 of the Revised Code;

(vi) For tax year 2010 and each tax year thereafter, no tax.

(b) A corporation shall subtract from the amount calculated under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section any qualifying pass-through entity tax credit described in division (A)(29) and any refundable credits described in divisions (A)(30) to ~~(34)~~ (35) of section 5733.98 of the Revised Code to which the corporation is entitled. Any unused qualifying pass-through entity tax credit is not refundable.

(c) For the purposes of computing the amount of a credit that may be carried forward to a subsequent tax year under division (G)(2) of this section, a credit is utilized against the tax for a tax year to the extent the credit applies against the tax for that tax year, even if the difference is then multiplied by the applicable fraction under division (G)(2)(a) of this section.

(3) Nothing in division (G) of this section eliminates or reduces the tax imposed by section 5733.41 of the Revised Code on a qualifying pass-through entity.

Sec. 5733.60. As used in this section, "employer cost percentage" means the percentage of the cost of the health care benefits described in this section.

less any related premium refunds, premium reimbursements, or insurance premium dividends received, that a taxpayer pays or incurs during the taxable year.

For tax years 2011 and each tax year thereafter, a credit is allowed against the tax imposed by section 5733.06 of the Revised Code for a taxpayer that offers health care benefits to its employees that includes coverage for diabetes-related supplies and services described in sections 1751.69 and 3923.71 of the Revised Code if the cost of the coverage increases by more than one per cent over the cost of the coverage for the preceding tax year. The credit equals one thousand dollars for each employee covered by such benefits as of the last day of the taxable year for which the credit is claimed, multiplied by the employer cost percentage for the taxable year. The credit shall be claimed in the order required under section 5733.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5733.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

- (1) For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;
- (2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;
- (3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;
- (4) The subsidiary corporation credit under section 5733.067 of the Revised Code;
- (5) The savings and loan assessment credit under section 5733.063 of the Revised Code;
- (6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;
- (7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;
- (8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;
- (9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;
- (10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;

(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;

(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;

(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;

(14) The job training credit under section 5733.42 of the Revised Code;

(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;

(16) The enterprise zone credit under section 5709.66 of the Revised Code;

(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;

(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;

(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;

(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;

(21) The export sales credit under section 5733.069 of the Revised Code;

(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;

(23) The enterprise zone credits under section 5709.65 of the Revised Code;

(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;

(25) The credit for small telephone companies under section 5733.57 of the Revised Code;

(26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;

(27) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;

(28) The research and development credit under section 5733.352 of the Revised Code;

(29) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the

Revised Code;

(30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;

(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;

(32) The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;

(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code ;

(35) The refundable credit for specified employee health care coverage under section 5733.60 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(30) to ~~(34)~~ (35) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code, in which case no return shall be required unless the taxpayer is liable for a tax imposed pursuant to Chapter 5748. of the Revised Code.

(A) If an individual is deceased, any return or notice required of that individual under this chapter shall be made and filed by that decedent's executor, administrator, or other person charged with the property of that decedent.

(B) If an individual is unable to make a return or notice required by this chapter, the return or notice required of that individual shall be made and filed by the individual's duly authorized agent, guardian, conservator, fiduciary, or other person charged with the care of the person or property of that individual.

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust.

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax

imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code.

(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(ii) A pass-through entity shall not include in such a single return any investor that is itself a pass-through entity to the extent that any direct or indirect investor in the second pass-through entity is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(c) Nothing in division (D) of this section precludes the tax commissioner from requiring such investors to file the return and make the payment of taxes and related interest, penalty, and interest penalty required by this section or section 5747.02, 5747.09, or 5747.15 of the Revised Code. Nothing in division (D) of this section shall be construed to provide to such an investor or pass-through entity any additional deduction or credit, other than the credit provided by division (J) of this section, solely on account of the entity's filing a return in accordance with this section. Such a pass-through entity also shall make the filing and payment of estimated taxes on behalf of the pass-through entity investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code.

(2) For the purposes of this section, "business credits" means the credits listed in section 5747.98 of the Revised Code excluding the following credits:

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;

(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

- (d) The dependent care credit under section 5747.054 of the Revised Code;
- (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;
- (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;
- (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;
- (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;
- (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;
- (j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;
- (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;
- (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;
- (m) The low-income credit under section 5747.056 of the Revised Code ;
- (n) The credit for specified employee-paid health care coverage under section 5747.82 of the Revised Code.

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.

(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that would have been paid by the pass-through entity had the single return been filed in a manner reflecting the tax commissioner's findings. Nothing in division (D) of this section shall be

construed to make or hold a pass-through entity liable for tax attributable to a pass-through entity investor's income from a source other than the pass-through entity electing to file the single return.

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form, unless the combined amount shown to be due is one dollar or less, in which case that amount need not be remitted.

Upon good cause shown, the tax commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension to the time of actual payment. Except as provided in section 5747.132 of the Revised Code, in addition to all other interest charges and penalties, all taxes imposed under this chapter or Chapter 5748. of the Revised Code and remaining unpaid after they become due, except combined amounts due of one dollar or less, bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

If the tax commissioner considers it necessary in order to ensure the

payment of the tax imposed by section 5747.02 of the Revised Code or any tax imposed under Chapter 5748. of the Revised Code, the tax commissioner may require returns and payments to be made otherwise than as provided in this section.

To the extent that any provision in this division conflicts with any provision in section 5747.026 of the Revised Code, the provision in that section prevails.

(H) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the agency, officer, or office with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment.

If a payment is required to be made by electronic funds transfer pursuant to section 5747.072 of the Revised Code, the payment is considered to be made when the payment is received by the treasurer of state or credited to an account designated by the treasurer of state for the receipt of tax payments.

"The date of the postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the United States postal service.

(I) The amounts withheld by the employer pursuant to section 5747.06 of the Revised Code shall be allowed to the recipient of the compensation as credits against payment of the appropriate taxes imposed on the recipient by section 5747.02 and under Chapter 5748. of the Revised Code.

(J) If, in accordance with division (D) of this section, a pass-through entity elects to file a single return and if any investor is required to file the return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purposes of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(K) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about matters pertaining to the return. The return or instructions

accompanying the return shall indicate that by checking the box the taxpayer authorizes the department of taxation to contact the preparer concerning questions that arise during the processing of the return and authorizes the preparer only to provide the department with information that is missing from the return, to contact the department for information about the processing of the return or the status of the taxpayer's refund or payments, and to respond to notices about mathematical errors, offsets, or return preparation that the taxpayer has received from the department and has shown to the preparer.

Sec. 5747.81. As used in this section, "employer cost percentage" means the percentage of the cost of the health care benefits described in this section, less any related premium refunds, premium reimbursements, or insurance premium dividends received, that a pass-through entity pays or incurs during its taxable year. For the purposes of this section, a sole proprietorship is a pass-through entity.

For a taxpayer's taxable year beginning in 2010 or thereafter, a credit is allowed against the tax imposed by section 5747.02 of the Revised Code for a taxpayer that, on the last day of the pass-through entity's taxable year, is an equity owner of a pass-through entity that offers health care benefits to its employees that includes coverage for diabetes-related supplies and services described in sections 1751.69 and 3923.71 of the Revised Code if the cost of the coverage increases by more than one per cent over the cost of the coverage for the entity's preceding taxable year. The credit equals the taxpayer's distributive or proportionate share of the amount obtained by multiplying one thousand dollars by the employer cost percentage for the entity's taxable year and multiplying the product thereof by the number of employees covered by such benefits as of the last day of the entity's taxable year. The credit shall be claimed for the taxpayer's taxable year that includes the last day of the pass-through entity's taxable year. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5747.82. For taxable years beginning in 2010 and thereafter, a credit is allowed against the tax imposed by section 5747.02 of the Revised Code for a taxpayer for whom the taxpayer's employer provides health care benefits that includes coverage for diabetes-related supplies and services described in sections 1751.69 and 3923.71 of the Revised Code. The credit may be claimed only if the cost of the coverage increased by more than one per cent from the employer's preceding annual accounting period to the employer's current accounting period. The credit equals one thousand dollars multiplied by the percentage of the cost of such benefits the taxpayer paid or incurred during the taxable year to be covered by such benefits, including amounts the taxpayer paid or incurred for coverage for the taxpayer's spouse or dependents or other individuals eligible for such coverage under the employer's plan or policy. The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other

credits in that order, the excess shall be refunded.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

- (1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;
- (2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;
- (3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;
- (4) The dependent care credit under section 5747.054 of the Revised Code;
- (5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;
- (6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;
- (7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;
- (8) The low-income credit under section 5747.056 of the Revised Code;
- (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;
- (10) The campaign contribution credit under section 5747.29 of the Revised Code;
- (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;
- (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;
- (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;
- (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;
- (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;
- (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;
- (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;

- (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;
- (19) The job retention credit under division (B) of section 5747.058 of the Revised Code;
- (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;
- (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;
- (22) The job training credit under section 5747.39 of the Revised Code;
- (23) The enterprise zone credit under section 5709.66 of the Revised Code;
- (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;
- (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;
- (26) The ethanol plant investment credit under section 5747.75 of the Revised Code;
- (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;
- (28) The export sales credit under section 5747.057 of the Revised Code;
- (29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;
- (30) The enterprise zone credits under section 5709.65 of the Revised Code;
- (31) The research and development credit under section 5747.331 of the Revised Code;
- (32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;
- (33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;
- (34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;
- (35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;
- (36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;

(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;

(38) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code ;

(39) The refundable credit for specified employer-provided health care coverage under section 5747.81 of the Revised Code;

(40) The refundable credit for specified employee-paid health care coverage under section 5747.82 of the Revised Code.

(B) For any credit, except the credits enumerated in divisions (A)(33) to ~~(38)~~ (40) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."

In line 597, delete "and" and insert a comma; after "1751.01" insert ", 5725.98, 5729.98, 5733.01, 5733.98, 5747.08, and 5747.98"

In line 1 of the title, delete the first "and" and insert a comma; after "1751.01" insert ", 5725.98, 5729.98, 5733.01, 5733.98, 5747.08, and 5747.98"

In line 2 of the title, delete "and" and insert a comma; after "3923.71" insert ", 5725.33, 5729.20, 5733.60, 5747.81, and 5747.82"

In line 4 of the title, after "to" insert "offer to"

In line 8 of the title, after "education" insert ", and to allow a tax credit for employers that provide employee health care benefits that include such coverage and for employees who share the costs of such benefits"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre

Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 393, insert:

" (3) No health insuring corporation shall reimburse a provider for the diabetes-related services and supplies covered under this section at a rate greater than the medicaid reimbursement rate established under Chapter 5111. of the Revised Code for those services and supplies."

Between lines 517 and 518, insert:

" (3) No sickness and accident insurer or public employee benefit plan shall reimburse a provider for the diabetes-related services and supplies covered under this section at a rate greater than the medicaid reimbursement rate established under Chapter 5111. of the Revised Code for those services and supplies."

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 53, nays 43, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
Coley	DeBose	DeGeeter	Dodd
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Garrison	Gerberry

Goyal	Harris	Harwood	Heard
Letson	Luckie	Lundy	Moran
Morgan	Murray	Newcomb	Oelslager
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-53.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Combs	Daniels	Derickson
Dolan	Evans	Gardner	Goodwin
Grossman	Hackett	Hall	Hite
Hottinger	Huffman	Jordan	Lehner
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Ruhl	Sears
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-43.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 371, after " shall" insert " offer to"

In line 372, after " for" insert " medically necessary diabetes medication, equipment, and supplies,"; after " therapy" insert an underlined comma

In line 373, delete " when determined to be" and insert " as follows:

(a) As part of the policy, contract, or agreement that covers basic health care services:

(b) As a supplemental benefit that covers comparable expenses:

(c) As a supplemental benefit that covers only these expenses."

Delete line 374

In line 375, after " (2)" delete the balance of the line

Delete lines 376 through 381

In line 382, delete " that provides comparable benefits for these expenses."

In line 384, after " or" insert " as"

In line 385, delete " policy"

In line 388, delete " If the benefits are provided as"

Delete lines 389 through 392

In line 498, after " shall" insert " offer to"; after " for" insert " medically necessary diabetes medication, equipment, and supplies."

In line 499, after " therapy" insert an underlined comma; after " expenses." insert " as follows:

(a) As part of the policy, contract, or agreement that covers basic health care services;

(b) As a supplemental benefit that covers comparable expenses;

(c) As a supplemental benefit that covers only these expenses."

Delete line 500

In line 501, after " (2)" delete the balance of the line

Delete lines 502 through 508

In line 509, delete " these expenses."

In line 510, after the second " or" insert " as"; delete the second " policy"

In line 513, delete " If the benefits are"

Delete lines 514 through 517

In line 4 of the title, after "to" insert "offer to"

In line 5 of the title, after "for" insert "diabetes-related"

Delete line 6 of the title

In line 7 of the title, delete "diabetes and for diabetes" and insert a comma

In line 8 of the title, after "education" insert ", and medical nutrition therapy"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
DrieHaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray

Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 9, delete "sections" and insert "section"; delete "and 1751.01"

Delete lines 44 through 343

In line 344, after " **1751.69.**" delete the balance of the line

Delete lines 345 through 367

In line 368, delete " (B)(1)"

In line 372, after " for" insert " medically necessary"; after " medical" delete the balance of the line and insert " services."

Delete lines 373 through 469

In line 470, after " **3923.71.**" delete the balance of the line

Delete lines 471 through 493

In line 494, delete " (B)(1)"

In line 498, after " for" insert " medically necessary"; after " medical" insert " services."

Delete lines 499 through 596

In line 597, delete "sections" and insert "section"; delete "and 1751.01"

In line 598, delete "are" and insert "is"

Delete lines 607 through 615

In line 1 of the title, delete "sections" and insert "section"; delete "and 1751.01"

In line 5 of the title, after "for" delete the balance of the line and insert "medically necessary medical services."

Delete lines 6 though 8 of the title

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 61, nays 35, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
Coley	Combs	DeBose	DeGeeter
Dodd	Dolan	Domenick	Driehaus
Dyer	Evans	Fende	Foley
Gardner	Garland	Garrison	Gerberry
Goyal	Hackett	Harris	Harwood
Heard	Hite	Letson	Luckie
Lundy	McGregor	Mecklenborg	Moran
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Sears
Skindell	Slesnick	Stewart	Sykes
Szollasi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-61.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Daniels	Derickson	Goodwin
Grossman	Hall	Hottinger	Huffman
Jordan	Lehner	Maag	Mandel
Martin	McClain	Morgan	Ruhl
Snitchler	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-35.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Baker	Belcher	Blessing	Bolon
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Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Dolan	Domenick	Driehaus
Dyer	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goyal
Hackett	Harris	Harwood	Heard
Lehner	Letson	Luckie	Lundy
Moran	Murray	Newcomb	Oelsluger
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-58.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Balderson	Batchelder	Beck	Blair
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Evans
Goodwin	Grossman	Hall	Hite
Hottinger	Huffman	Jordan	Maag
Mandel	Martin	McClain	McGregor
Mecklenborg	Morgan	Ruhl	Sears
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-38.

The bill passed.

Representative Boyd moved to amend the title as follows:

Add the names: "Belcher, Carney, Celeste, DeBose, Dodd, Dyer, Harwood, Heard, Lundy, Moran, Szollosi, Ujvagi, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 8-Representatives Celeste, Garland.

Cosponsors: Representatives Okey, Harris, Dyer, Foley, Lundy, Harwood, Koziura, Stebelton, Hagan, Skindell, Stewart, Heard, Mallory, DeBose, Patten, Pryor, Yuko, Pillich, Newcomb, Murray, Phillips, Winburn, Letson, Bolon, Luckie, Williams, B., Slesnick, Moran.

To amend section 1739.05 and to enact sections 1751.68 and 3923.84 of the Revised Code to prohibit health insurers from excluding coverage for specified services for individuals diagnosed with an autism spectrum disorder, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Bacon moved to amend as follows:

In line 63, after " section" insert " shall be delineated in a treatment plan developed by the attending psychologist or physician and"

In line 65, after " provider" insert " , except as delineated in the treatment plan."

In line 71, after the underlined period insert " Coverage provided under this section may be subject to a yearly maximum limitation of thirty-six thousand dollars on claims paid for services related to coverage provided under this section."

In line 72, after " (D)" insert " (1)"; delete " twelve" and insert " six"

In line 74, delete " except inpatient services"

In line 77, delete " this"; after " division" insert " (D)(1) of this section"

Between lines 77 and 78, insert:

" (2) If requested by the health insuring corporation, the provider shall provide the health insuring corporation with an annual treatment plan.

(3) Inpatient services are not subject to the six-month review limitations under division (D)(1) of this section."

In line 106, delete " (D)" and insert " (G)"

In line 110, after " makes" insert " both of"

In line 112, delete " (D)" and insert " (G)"

In line 122, delete " this"

In line 123, after " division" insert " (G)(3) of this section"

In line 124, after " (H)" insert " The services covered under this section shall not be considered supplemental health care services under division (B)(1) of section 1751.01 of the Revised Code.

(I)"

In line 134, after " disorders" insert " , whose services are delineated in the treatment plan under division (B) of this section, and of whom one of the following is true:

(a) The person is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan.

(b) The person is directly supervised by an individual who is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan."

In line 140, delete " disorders" and insert " disorder"

In line 144, after " including" insert an underlined comma

In line 145, after the first " to" insert an underlined comma

In line 160, after " mental" insert an underlined comma

In line 201, after " section" insert " shall be delineated in a treatment plan developed by the attending psychologist or physician and"

In line 203, after " provider" insert " , except as delineated in the treatment plan,"

In line 208, after the underlined period insert " Coverage provided under this section may be subject to a yearly maximum limitation of thirty-six thousand dollars on claims paid for services related to coverage provided under this section."

In line 209, after " (D)" insert " (1)"; delete " twelve" and insert " six"; after " insurer" insert " or public employee benefit plan"

In line 211, delete " except inpatient services"

In line 213, after " insurer" insert " or public employee benefit plan"

In line 214, delete " this"; after " division" insert " (D)(1) of this section"

Between lines 214 and 215, insert:

" (2) If requested by the insurer or public employee benefit plan, the provider shall provide the insurer or public employee benefit plan with an annual treatment plan.

(3) Inpatient services are not subject to the six-month review limitations under division (D)(1) of this section."

In line 248, delete " (D)" and insert " (H)"

In line 252, after " makes" insert " both of"

In line 254, delete " (D)" and insert " (H)"

In line 264, delete " this"

In line 265, after " division" insert " (H)(3) of this section"

In line 272, after " section" insert " and the qualifications of the providers of those treatments or therapies"

In line 298, after " disorders" insert " , whose services are delineated in the treatment plan under division (B) of this section, and of whom one of the following is true:

(a) The person is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan.

(b) The person is directly supervised by an individual who is licensed.

certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan"

In line 304, delete " disorders" and insert " disorder"

In line 308, after " including" insert an underlined comma

In line 309, after the first " to" insert an underlined comma

In line 326, after " mental" insert an underlined comma

After line 347, insert:

"**Section 3.** Sections 1 and 2 of this act shall take effect January 1, 2011."

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Lehner
Letson	Luckie	Lundy	Maag
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelsluger	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-96.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 6, delete "section" and insert "sections 109.57, 109.572, "; after "1739.05" insert ", 3301.0714, and 4776.01"

In line 7, after "1751.68" insert ", 3310.51, 3310.52, 3310.521, 3310.53,

3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, 3323.052,"

Between lines 8 and 9, insert:

"Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence who is not in any other category of child specified in this division, if committed by an adult, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on

subsequent offenses, involving a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, or involving an adjudication in a case in which a child under eighteen years of age was alleged to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

- (a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;
- (b) The style and number of the case;
- (c) The date of arrest, offense, summons, or arraignment;
- (d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;
- (e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;
- (f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all

persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and criminal justice, and may establish and operate a statewide communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies and for other uses specified in this division. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(2) The superintendent or the superintendent's designee shall gather information of the nature described in division (C)(1) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for inclusion in the state registry of sex offenders and child-victim offenders maintained pursuant to division (A)(1) of section 2950.13 of the Revised Code and in the internet database operated pursuant to division (A)(13) of that section and for possible inclusion in the internet database operated pursuant to division (A)(11) of that section.

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(D) The information and materials furnished to the superintendent pursuant to division (A) of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code. The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, or 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, or 3326.25 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and

developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, or 3326.25 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division (C) of section 3310.58 or section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board or provider shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district or provider only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any

position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of a classroom reading improvement grant paid under section 3301.86 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.

(G) In addition to or in conjunction with any request that is required to be made under section 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual.

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsperson services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsperson, ombudsperson's designee, or director of health may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsperson services, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

In addition to or in conjunction with any request that is required to be made under section 173.394 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an individual, the chief administrator of a community-based long-term care agency may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does

not involve providing direct care, whether the bureau has any information gathered under division (A) of this section that pertains to that applicant.

On receipt of a request under this division, the superintendent shall determine whether that information exists and, on request of the individual requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to the applicant. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date a request is received, the superintendent shall send to the requester a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the requester a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a government entity or person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section.

(J) As used in this section, ~~"sexually~~ :

(1) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(2) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the special education scholarship pilot program.

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24,

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section.

(2) On receipt of a request pursuant to section 5123.081 of the Revised Code with respect to an applicant for employment in any position with the department of mental retardation and developmental disabilities, pursuant to section 5126.28 of the Revised Code with respect to an applicant for employment in any position with a county board of mental retardation and developmental disabilities, or pursuant to section 5126.281 of the Revised Code with respect to an applicant for employment in a direct services position with an entity contracting with a county board for employment, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 3716.11 of the Revised Code;

(b) An existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those

sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(3)(a) of this section.

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) On receipt of a request pursuant to section 5111.032, 5111.033, or 5111.034 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner

described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(5)(a) of this section.

(6) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency in a position that involves providing direct care to an older adult, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) When conducting a criminal records check upon a request pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, in addition to the determination made under division (A)(1) of this section, the superintendent shall determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any offense specified in section 3319.31 of the Revised Code.

(8) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(8)(a) of this section.

(9) Upon receipt of a request pursuant to section 5104.012 or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02,

2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(9)(a) of this section.

(10) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed

in division (A)(10)(a) of this section.

(11) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1321.37, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(13) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is

the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(14) On receipt of a request pursuant to section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(15) Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, the completed form, and the fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, as appropriate. The superintendent shall send the person, board, or entity that made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, as appropriate. If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (6) of this section.

Not later than thirty days after the superintendent receives a request for a criminal records check pursuant to section 113.041 of the Revised Code, the completed form, and the fingerprint impressions, the superintendent shall send the treasurer of state any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exist with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any criminal offense in this state or any other state.

(B) The superintendent shall conduct any criminal records check requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101,

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the request, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to

obtain the fingerprint impressions of any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is requested under or required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under any of those sections shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) A determination whether any information exists that indicates that a person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a)

or (b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), (A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this section, or that indicates that a person previously has been convicted of or pleaded guilty to any criminal offense in this state or any other state regarding a criminal records check of a type described in division (A)(13) of this section, and that is made by the superintendent with respect to information considered in a criminal records check in accordance with this section is valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent makes the determination. During the period in which the determination in regard to a person is valid, if another request under this section is made for a criminal records check for that person, the superintendent shall provide the information that is the basis for the superintendent's initial determination at a lower fee than the fee prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(7) of this section to any such request for an applicant who is a teacher.

(F) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "Older adult" means a person age sixty or older.

(4) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(5) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the special education scholarship pilot program."

Between lines 179 and 180, insert:

"Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include:

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;

(3) Procedures for annually compiling the data in accordance with division (G) of this section;

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section.

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:

(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.

(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories of services used in determining cost units pursuant to division (C)(4)(a) of this section.

(c) Average student grades in each subject in grades nine through twelve;

(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.

(h) Expulsion rates;

(i) Suspension rates;

(j) The percentage of students receiving corporal punishment;

(k) Dropout rates;

(l) Rates of retention in grade;

(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;

(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.

(d) The number of master teachers employed by each school district and each school building, once a definition of master teacher has been developed by the educator standards board pursuant to section 3319.61 of the Revised Code.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(4) Any data required to be collected pursuant to federal law.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be

compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by guidelines adopted pursuant to division (B)(1)(b) of this section. The guidelines shall require the cost units under division (C)(4) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each support or extracurricular services category required by guidelines adopted under division (B)(1)(b) of this section that is provided directly to students by a licensed employee, such as services provided by a guidance counselor or any services provided by a licensed employee under a supplemental contract;

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines

may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of tests administered under section 3301.0711 or 3301.0712 of the Revised Code. The guidelines may require school districts to provide the social security numbers of individual staff members.

(2) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section.

Individual student data shall be reported to the department through the information technology centers utilizing the code but, except as provided in sections 3310.11, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district or community school in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

The director of health shall request and receive, pursuant to sections 3301.0723 and 3701.62 of the Revised Code, a data verification code for a child who is receiving services under division (A)(2) of section 3701.61 of the Revised Code.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile

formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The state board shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The state board shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The state board shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports received from the state board under divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code.

(J) As used in this section:

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the department for the full cost of the audit. The department may withhold state funds due to the district for this purpose.

(6) Prior to issuing a revised report card for a school district under division (L)(2)(d)(viii) of this section, the department may hold a hearing to provide the district with an opportunity to demonstrate that it made a good faith effort to report data as required by this section. The hearing shall be conducted

by a referee appointed by the department. Based on the information provided in the hearing, the referee shall recommend whether the department should issue a revised report card for the district. If the referee affirms the department's contention that the district did not make a good faith effort to report data as required by this section, the district shall bear the full cost of conducting the hearing and of issuing any revised report card.

(7) If the department determines that any inaccurate data reported under this section caused a school district to receive excess state funds in any fiscal year, the district shall reimburse the department an amount equal to the excess funds, in accordance with a payment schedule determined by the department. The department may withhold state funds due to the district for this purpose.

(8) Any school district that has funds withheld under division (L)(2) of this section may appeal the withholding in accordance with Chapter 119. of the Revised Code.

(9) In all cases of a disagreement between the department and a school district regarding the appropriateness of an action taken under division (L)(2) of this section, the burden of proof shall be on the district to demonstrate that it made a good faith effort to report data as required by this section.

(10) The state board of education shall adopt rules under Chapter 119. of the Revised Code to implement division (L) of this section.

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system.

(O) No person shall release or maintain any information about any student in violation of this section. Whoever violates this division is guilty of a misdemeanor of the fourth degree.

(P) The department shall disaggregate the data collected under division (B)(1)(o) of this section according to the race and socioeconomic status of the students assessed. No data collected under that division shall be included on the report cards required by section 3302.03 of the Revised Code.

(Q) If the department cannot compile any of the information required by division (C)(5) of section 3302.03 of the Revised Code based upon the data collected under this section, the department shall develop a plan and a reasonable timeline for the collection of any data necessary to comply with that division.

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised

Code:

(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child:

(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;

(2) A public entity other than a school district.

(B) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.

(C) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(D) "Eligible applicant" means any of the following:

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(E) "Entitled to attend school" means entitled to attend school in a school

district under sections 3313.64 and 3313.65 of the Revised Code.

(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(G) "Qualified special education child" is a child for whom all of the following conditions apply:

(1) The child is at least five years of age and less than twenty-two years of age.

(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.

(4) The child either:

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;

(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.

(5) The department of education has not approved a scholarship for the child under the autism scholarship program under section 3310.41 of the Revised Code for the same school year in which a scholarship under the special education scholarship pilot program is sought.

(H) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.

(I) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.64 of the Revised Code.

(J) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code.

(K) "School year" has the same meaning as in section 3313.62 of the Revised Code.

(L) "Special education program" means a school or facility that provides

special education and related services to children with disabilities.

Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2012 through 2017, subject to division (B) of this section, the department of education annually shall pay a scholarship to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

(B) The number of scholarships awarded under the pilot program in any fiscal year shall not exceed three per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) No scholarship or renewal of a scholarship shall be awarded to an eligible applicant on behalf of a qualified special education child for the next school year, unless on or before the fifteenth day of April the eligible applicant completes the application for the scholarship or renewal, in the manner prescribed by the department, and notifies the school district in which the child is entitled to attend school that the eligible applicant has applied for the scholarship or renewal.

Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain all of the following:

(1) Information regarding the financial status of the provider;

(2) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(3) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child;

(4) Results of the evaluation of the academic program of the provider;

(5) Any other information required by the department.

Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the special education scholarship pilot program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code.

(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the Ohio department of education or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized education program for the child in accordance with those provisions.

(C) Each school district shall notify an eligible applicant of the applicant's and qualified special education child's rights under sections 3310.51 to 3310.64 of the Revised Code by providing to each eligible applicant the comparison document prescribed in section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code.

Sec. 3310.56. The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the special education scholarship pilot program in each school year shall be the least of the following:

(A) The amount of fees charged for that school year by the alternative public provider or registered private provider;

(B) The sum of the amounts calculated under divisions (B)(1) and (2) of this section;

(1) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code;

(2) The formula amount times the applicable special education weight for the child's disability;

(C) Twenty thousand dollars.

Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code.

The scholarship amount shall be proportionately reduced in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year.

In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending.

Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the special education scholarship pilot program until the school or entity registers with the superintendent of public instruction. The superintendent shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:

(A) The special education program operated by the school or entity meets the minimum education standards established by the state board of education.

(B) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.

(C) If the school or entity is not chartered by the state board under section 3301.16 of the Revised Code, the school or entity agrees to comply with section 3319.39 of the Revised Code as if it were a school district.

(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates.

(E) The school or entity meets applicable health and safety standards established by law for school buildings.

(F) The school or entity agrees to retain on file documentation as required

by the department of education.

(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department.

(H) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department.

(I) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child.

(J) The school or entity agrees to meet other requirements established by rule of the state board under section 3310.64 of the Revised Code.

Sec. 3310.59. The superintendent of public instruction shall revoke the registration of any school or entity if, after a hearing, the superintendent determines that the school or entity is in violation of any provision of section 3310.58 of the Revised Code.

Sec. 3310.60. A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any child with a disability attending a nonpublic special education program.

Sec. 3310.61. An eligible applicant on behalf of a child who currently attends a public special education program under a contract, compact, or other bilateral agreement, or on behalf of a child who currently attends a community school, shall not be prohibited from applying for and accepting a scholarship so that the applicant may withdraw the child from that program or community school and use the scholarship for the child to attend a special education program operated by an alternative public provider or a registered private provider.

Sec. 3310.62. (A) A scholarship under the special education scholarship pilot program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending.

(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of administrative or judicial mediation or proceedings with respect to any of those subsequent individualized education programs do not affect the applicant's and the child's continued eligibility for scholarship payments.

(C) In the case of any child for whom a scholarship has been awarded, if the school district in which the child is entitled to attend school has agreed to provide some services for the child under an agreement entered into with the eligible applicant or with the alternative public provider or registered private provider implementing the child's individualized education program, or if the district is required by law to provide some services for the child, including transportation services under sections 3310.60 and 3327.01 of the Revised Code, the district shall not discontinue the services it is providing pending completion of any administrative proceedings regarding those services. The prosecuting, by the eligible applicant on behalf of the child, of administrative proceedings regarding the services provided by the district does not affect the applicant's and the child's continued eligibility for scholarship payments.

(D) The department of education shall continue to make payments to the eligible applicant under section 3310.57 of the Revised Code while either of the following are pending:

(1) Administrative or judicial mediation or proceedings with respect to a subsequent individualized education program for the child referred to in division (B) of this section;

(2) Administrative proceedings regarding services provided by the district under division (C) of this section.

Sec. 3310.63. (A) Only for the purpose of administering the special education scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any qualified special education child for whom a scholarship is sought under the program:

(1) The school district in which the child is entitled to attend school;

(2) If applicable, the community school in which the child is enrolled;

(3) The independent contractor engaged to create and maintain data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for

whom the department has assigned a code under this division.

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law.

(D) Any document relative to the special education scholarship pilot program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3310.64. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.62 of the Revised Code including, but not limited to, procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers.

Sec. 3323.052. Not later than January 31, 2011, the department of education shall develop a document that compares a parent's and child's rights under this chapter and 20 U.S.C. 1400 et seq. with the parent's and child's rights under the special education scholarship pilot program, established in sections 3310.51 to 3310.64 of the Revised Code, including the deadline for application for a scholarship or renewal of a scholarship and notice of that application to the child's school district, prescribed in division (C) of section 3310.52 of the Revised Code, and the provisions of divisions (A) and (B) of section 3310.53 of the Revised Code. The department shall revise that document as necessary to reflect any pertinent changes in state or federal statutory law, rule, or regulation enacted or adopted after the initial document is developed. The department and each school district shall ensure that the document prescribed in this section is included in, appended to, or otherwise distributed in conjunction with the notice required under 20 U.S.C. 1415(d), and any provision of the Code of Federal Regulations implementing that requirement, in the manner and at all the times specified for such notice in federal law or regulation. As used in this section, a "child's school district" means the school district in which the child is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code."

Between lines 345 and 346, insert:

"**Sec. 4776.01.** As used in this chapter:

(A) "License" means any of the following:

(1) An authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency described in division (C)(1) of this section to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction.

(2) An authorization evidenced by a license or certificate that is issued by a licensing agency described in division (C)(2) of this section pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity over which the licensing agency has jurisdiction.

(B) "Licensee" means the person to whom the license is issued by a licensing agency.

(C) "Licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state.

(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.

(F) "Criminal records check" has the same meaning as in division ~~(E)~~ (F) of section 109.572 of the Revised Code."

In line 346, delete "section" and insert "sections 109.57, 109.572,"; after "1739.05" insert ", 3301.0714, and 4776.01"

In line 347, delete "is" and insert "are"

After line 347, insert:

"Section 3. The State Board of Education shall initiate rulemaking procedures for the rules for the Special Education Scholarship Pilot Program, required under section 3310.64 of the Revised Code, as enacted by this act, so that those rules are in effect by January 31, 2011.

Section 4. The Department of Education shall conduct a formative evaluation of the Special Education Scholarship Pilot Program established under sections 3310.51 to 3310.64 of the Revised Code, using both quantitative and qualitative analyses, and shall report its findings to the General Assembly not later than December 31, 2013. In conducting the evaluation, the Department shall to the extent possible gather comments from parents who have been awarded scholarships under the program, school district officials, representatives of registered private providers, educators, and representatives of educational

organizations for inclusion in the report required under this section.

Section 5. Section 109.57 of the Revised Code is presented in this act as a composite of the section as amended by both Sub. H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 6. Section 109.572 of the Revised Code is presented in this act as a composite of the section as amended by Sub. H.B. 195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 1 of the title, delete "section" and insert "sections 109.57, 109.572,"; after "1739.05" insert ", 3301.0714, and 4776.01"

In line 2 of the title, after "1751.68" insert ", 3310.51, 3310.52, 3310.521, 3310.53, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, 3323.052,"

In line 5 of the title, after "disorder" insert "and to create the Special Education Scholarship Pilot Program"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
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Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Blessing moved to amend as follows:

In line 6, delete "section" and insert "sections"; after "1739.05" insert ", 5725.98, 5729.98, 5733.01, 5733.98, and 5747.98"

In line 7, delete "and" and insert a comma; after "3923.84" insert ", 5725.33, 5729.20, 5733.60, and 5747.81"

In line 42, delete " no" and insert " each"

In line 45, delete " exclude" and insert " offer to provide"

In line 181, delete " no" and insert " each"

In line 184, delete " exclude" and insert " offer to provide"

Between lines 345 and 346, insert:

" **Sec. 5725.33.** A credit is allowed against the tax imposed by section 5707.03 and assessed under 5725.15 or imposed by 5725.18 of the Revised Code for a dealer in intangibles or an insurance company that offers health care benefits to its employees that includes coverage for the autism spectrum disorder services identified in section 1751.68 of the Revised Code. The credit equals one hundred dollars per covered employee as of the last day of the dealer's or insurance company's credit period. The credit shall be claimed in the order required under section 5725.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

For purposes of this section, "credit period" has the same meaning as in section 5725.31 of the Revised Code.

Sec. 5725.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5725.18 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

(1) The credit for an insurance company or insurance company group

under section 5729.031 of the Revised Code.

(2) The credit for eligible employee training costs under section 5725.31 of the Revised Code.

(3) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code.

(4) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code.

(5) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(6) The refundable credit for specified employee health care coverage under section 5725.33 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(4) and (5) and 6 of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5729.20. A credit is allowed against the tax imposed by section 5729.03 of the Revised Code for a foreign insurance company that offers health care benefits to its employees that includes coverage for the autism spectrum disorder services identified in section 1751.68 of the Revised Code. The credit equals one hundred dollars per covered employee as of the last day of the insurance company's credit period. The credit shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

For purposes of this section, "credit period" has the same meaning as in section 5729.07 of the Revised Code.

Sec. 5729.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits and offsets against tax liability to which it is entitled in the following order:

(1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code.

(2) The credit for eligible employee training costs under section 5729.07 of the Revised Code.

(3) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code.

(4) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code.

(5) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.

(6) The refundable credit for specified employee health care coverage under section 5729.20 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(4) ~~and~~ , (5) , and (6) of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and each nonprofit corporation organized pursuant to Chapter 1729. of the Revised Code, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign corporations shall be the amount charged against each corporation organized for profit and each nonprofit corporation organized or operating in the same or similar manner as nonprofit corporations organized under Chapter 1729. of the Revised Code, under the laws of any state or country other than this state, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of doing business in this state, owning or using a part or all of its capital or property in this state, holding a certificate of compliance with the laws of this state authorizing it to do business in this state, or otherwise having nexus in or with this state under the Constitution of the United States, during the calendar year in which that amount is payable.

(B) A corporation is subject to the tax imposed by section 5733.06 of the Revised Code for each calendar year that it is so organized, doing business, owning or using a part or all of its capital or property, holding a certificate of compliance, or otherwise having nexus in or with this state under the Constitution of the United States, on the first day of January of that calendar year.

(C) Any corporation subject to this chapter that is not subject to the federal income tax shall file its returns and compute its tax liability as required by this chapter in the same manner as if that corporation were subject to the federal income tax.

(D) For purposes of this chapter, a federally chartered financial institution shall be deemed to be organized under the laws of the state within

which its principal office is located.

(E) For purposes of this chapter, any person, as defined in section 5701.01 of the Revised Code, shall be treated as a corporation if the person is classified for federal income tax purposes as an association taxable as a corporation, and an equity interest in the person shall be treated as capital stock of the person.

(F) For the purposes of this chapter, "disregarded entity" has the same meaning as in division (D) of section 5745.01 of the Revised Code.

(1) A person's interest in a disregarded entity, whether held directly or indirectly, shall be treated as the person's ownership of the assets and liabilities of the disregarded entity, and the income, including gain or loss, shall be included in the person's net income under this chapter.

(2) Any sale, exchange, or other disposition of the person's interest in the disregarded entity, whether held directly or indirectly, shall be treated as a sale, exchange, or other disposition of the person's share of the disregarded entity's underlying assets or liabilities, and the gain or loss from such sale, exchange, or disposition shall be included in the person's net income under this chapter.

(3) The disregarded entity's payroll, property, and sales factors shall be included in the person's factors.

(G) The tax a corporation is required to pay under this chapter shall be as follows:

(1)(a) For financial institutions, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the financial institution under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(b) A corporation satisfying the description in division (E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised Code that is not a financial institution, insurance company, or dealer in intangibles is subject to the taxes imposed under this chapter as a corporation and not subject to tax as a financial institution, and shall pay the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all the taxes charged under this chapter, without regard to division (G)(2) of this section, less any credits allowable against such tax.

(2) For all corporations other than those persons described in division (G)(1)(a) or (b) of this section, the amount under division (G)(2)(a) of this section applicable to the tax year specified less the amount under division (G)(2)(b) of this section:

(a)(i) For tax year 2005, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or the difference between all taxes charged the corporation under this chapter and any credits

allowable against such tax;

(ii) For tax year 2006, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or four-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(iii) For tax year 2007, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or three-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(iv) For tax year 2008, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or two-fifths of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30) to (34) of section 5733.98 of the Revised Code;

(v) For tax year 2009, the greater of the minimum payment required under division (E) of section 5733.06 of the Revised Code or one-fifth of the difference between all taxes charged the corporation under this chapter and any credits allowable against such tax, except the qualifying pass-through entity tax credit described in division (A)(29) and the refundable credits described in divisions (A)(30), (31), (32), ~~and (33)~~ and (35) of section 5733.98 of the Revised Code;

(vi) For tax year 2010 and each tax year thereafter, no tax.

(b) A corporation shall subtract from the amount calculated under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section any qualifying pass-through entity tax credit described in division (A)(29) and any refundable credits described in divisions (A)(30) to ~~(34)~~ (35) of section 5733.98 of the Revised Code to which the corporation is entitled. Any unused qualifying pass-through entity tax credit is not refundable.

(c) For the purposes of computing the amount of a credit that may be carried forward to a subsequent tax year under division (G)(2) of this section, a credit is utilized against the tax for a tax year to the extent the credit applies against the tax for that tax year, even if the difference is then multiplied by the applicable fraction under division (G)(2)(a) of this section.

(3) Nothing in division (G) of this section eliminates or reduces the tax imposed by section 5733.41 of the Revised Code on a qualifying pass-through entity.

Sec. 5733.60. A credit is allowed against the tax imposed by section

5733.06 of the Revised Code for a taxpayer that offers health care benefits to its employees that includes coverage for the autism spectrum disorder services identified in section 1751.68 of the Revised Code. The credit equals one hundred dollars per covered employee as of the last day of the taxable year for which the credit is claimed. The credit shall be claimed in the order required under section 5733.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5733.98. (A) To provide a uniform procedure for calculating the amount of tax imposed by section 5733.06 of the Revised Code that is due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order, except as otherwise provided in section 5733.058 of the Revised Code:

- (1) For tax year 2005, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;
- (2) The credit allowed for financial institutions under section 5733.45 of the Revised Code;
- (3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;
- (4) The subsidiary corporation credit under section 5733.067 of the Revised Code;
- (5) The savings and loan assessment credit under section 5733.063 of the Revised Code;
- (6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;
- (7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;
- (8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;
- (9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;
- (10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;
- (11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;
- (12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;
- (13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;

- (14) The job training credit under section 5733.42 of the Revised Code;
- (15) The credit for qualified research expenses under section 5733.351 of the Revised Code;
- (16) The enterprise zone credit under section 5709.66 of the Revised Code;
- (17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;
- (18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;
- (19) The ethanol plant investment credit under section 5733.46 of the Revised Code;
- (20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;
- (21) The export sales credit under section 5733.069 of the Revised Code;
- (22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;
- (23) The enterprise zone credits under section 5709.65 of the Revised Code;
- (24) The credit for using Ohio coal under section 5733.39 of the Revised Code;
- (25) The credit for small telephone companies under section 5733.57 of the Revised Code;
- (26) The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;
- (27) For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;
- (28) The research and development credit under section 5733.352 of the Revised Code;
- (29) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;
- (30) The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;
- (31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;
- (32) The refundable credit for tax withheld under division (B)(2) of

section 5747.062 of the Revised Code;

(33) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

(34) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code ;

(35) The refundable credit for specified employee health care coverage under section 5733.60 of the Revised Code.

(B) For any credit except the credits enumerated in divisions (A)(30) to ~~(34)~~ (35) of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.

Sec. 5747.81. A credit is allowed against the tax imposed by section 5747.02 of the Revised Code for a taxpayer that, on the last day of the pass-through entity's taxable year, is an equity owner of a pass-through entity that offers health care benefits to its employees that includes coverage for the autism spectrum disorder services identified in section 1751.68 of the Revised Code. The credit equals the taxpayer's distributive or proportionate share of one hundred dollars per covered employee as of the last day of the pass-through entity's taxable year. The credit shall be claimed for the taxpayer's taxable year that includes the last day of the pass-through entity's taxable year. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit exceeds the tax otherwise due after deducting all other credits in that order, the excess shall be refunded.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;

(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

- (7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;
- (8) The low-income credit under section 5747.056 of the Revised Code;
- (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;
- (10) The campaign contribution credit under section 5747.29 of the Revised Code;
- (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;
- (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;
- (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;
- (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;
- (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;
- (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;
- (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;
- (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;
- (19) The job retention credit under division (B) of section 5747.058 of the Revised Code;
- (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;
- (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;
- (22) The job training credit under section 5747.39 of the Revised Code;
- (23) The enterprise zone credit under section 5709.66 of the Revised Code;
- (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;
- (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;

(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;

(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

(28) The export sales credit under section 5747.057 of the Revised Code;

(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;

(30) The enterprise zone credits under section 5709.65 of the Revised Code;

(31) The research and development credit under section 5747.331 of the Revised Code;

(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;

(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;

(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;

(38) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code ;

(39) The refundable credit for specified employee health care coverage under section 5747.81 of the Revised Code.

(B) For any credit, except the credits enumerated in divisions (A)(33) to ~~(38)~~ (39) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year."

In line 346, delete "section" and insert "sections"; after "1739.05" insert ", 5725.98, 5729.98, 5733.01, 5733.98, and 5747.98"

In line 347, delete "is" and insert "are"

In line 1 of the title, delete "section" and insert "sections"; after "1739.05" insert ", 5725.98, 5729.98, 5733.01, 5733.98, and 5747.98"

In line 2 of the title, delete "and" and insert a comma; after "3923.84" insert ", 5725.33, 5729.20, 5733.60, and 5747.81"

In line 3 of the title, delete "prohibit" and insert "require"; delete "from excluding" and insert "to offer to provide"

In line 5 of the title, after "disorder" insert "and to allow a tax credit for employers that provide employee health care benefits that include coverage for those services"

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 50, nays 46, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-50.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Oelslager	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-46.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 57, nays 39, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Baker	Belcher	Bolon
Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Domenick	Driehaus	Dyer
Fende	Foley	Gardner	Garland
Garrison	Gerberry	Goyal	Hackett
Harris	Harwood	Heard	Lehner
Letson	Luckie	Lundy	Moran
Murray	Newcomb	Oelslager	Okey
Otterman	Patten	Phillips	Pillich
Pryor	Sayre	Schneider	Skindell
Slesnick	Snitchler	Stewart	Sykes
Szollosi	Ujvagi	Weddington	Williams B.
Williams S.	Winburn	Yates	Yuko
			Budish-57.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Balderson
Batchelder	Beck	Blair	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Dolan
Evans	Goodwin	Grossman	Hall
Hite	Hottinger	Huffman	Jordan
Maag	Mandel	Martin	McClain
McGregor	Mecklenborg	Morgan	Ruhl
Sears	Stautberg	Stebelton	Uecker
Wachtmann	Wagner		Zehringer-39.

The bill passed.

Representative Celeste moved to amend the title as follows:

Add the names: "Belcher, Boyd, Brown, Chandler, Dodd, Domenick, Driehaus, Fende, Gerberry, Sykes, Szollosi, Ujvagi, Weddington, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 167-Representative Murray.

Cosponsors: Representatives Foley, Heard, Slesnick, Domenick, Hagan, Letson, Luckie, Yuko, Weddington, Harris, Boyd, Phillips, Okey, Williams, S., Pillich, Driehaus, Ujvagi, Otterman, Stewart.

To amend section 3113.31 and to enact sections 9.131, 4113.80 to 4113.84, 5321.171, 5321.172, 5321.173, and 5321.174 of the Revised Code to prohibit an employer or a landlord from discriminating against a victim of domestic violence or stalking; to require a metropolitan housing authority to move a victim of domestic violence or stalking if another unit is available; to prohibit

charging a fee when law enforcement officers assist a victim of domestic violence or stalking; to allow a victim of domestic violence or stalking to take unpaid leave for purposes relating to the incident of domestic violence or stalking and to change or have changed the locks to the tenant's dwelling unit, and to permit a victim of domestic violence to terminate a rental agreement, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Murray moved to amend as follows:

In line 24, after " where" insert " such"

In line 25, delete " of domestic violence"

In line 26, after " to" insert " such"; delete " of domestic violence"

In line 279, after " submit" insert " a copy of"

In line 512, after " shall" insert " knowingly"

In line 523, after " accommodation" delete the balance of the line

Delete line 524

In line 529, after " (A)" delete the balance of the line

Delete lines 530 through 536 and insert " (1) Except as otherwise provided in division (A)(2) of this section, an employer shall make reasonable accommodations for an employee who is known to be a victim of domestic violence when necessary to enable that employee to perform the essential functions of the employee's job without posing a significant risk of substantial harm to the safety of the employee or others.

(2) An employer is not required to make a reasonable accommodation pursuant to division (A)(1) of this section if the employer demonstrates that the accommodation would impose an undue hardship. As used in this division, an accommodation that imposes undue hardship means an accommodation that is unduly difficult to make or imposes a significant expense on the employer."

In line 538, delete " (2)" and insert " (B)"; delete " or an agent of an"

In line 539, delete " employer"

In line 540, after the underlined comma insert " an employer shall"

Delete lines 549 through 553

In line 554, after " (1)" insert " An employer shall grant an employee leave related to incidents of domestic violence or stalking as described in division (B)(1) of this section in the same manner and pursuant to the same procedures as under the "Family and Medical Leave Act of 1993," Pub. L. No. 103-3, 107 Stat. 6, 29 U.S.C. 2601. Leave provided pursuant to sections 4113.80 to 4113.83 of the Revised Code is deemed to be the equivalent of family medical

leave pursuant to the Family and Medical Leave Act of 1993.

(2) The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code governing leave for purposes related to domestic violence and stalking. The rules shall treat such leave in a manner equivalent to medical leave under the "Family and Medical Leave Act of 1993" and consistent with sections 4113.80 to 4113.84 of the Revised Code.

(B)(1)"; delete " the provision of"

In line 555, delete everything prior to " division"

In line 556, delete " (C)" and insert " (D)"

In line 557, after " take" insert " a maximum of ten days per year of"

In line 573, delete " (A)" and insert " (B)"

In line 574, delete " (B)" and insert " (C)"; delete " With" and insert " To the extent that it is impossible for an employee to schedule appointments outside the employee's working hours, with"

In line 575, delete " and subject to the"

Delete lines 576 through 578

In line 579, delete everything prior to " an"

In line 592, delete " (B)" and insert " (C)"

In line 593, after the underlined period insert " The employee shall make reasonable efforts when possible to address matters related to domestic violence or stalking during non-work hours."

In line 598, delete " (C)" and insert " (D)"

In line 603, after " (a)" delete the balance of the line

Delete lines 604 through 607

In line 608, delete everything prior to the underlined period and insert " If the leave is to attend a court proceeding described in division (B)(1)(a) or (C)(1)(d) of this section, documentation of that proceeding from the court, the docket, pleadings, subpoenas, the prosecutor, the victim's attorney, or a registered victim advocate;

(b) If the leave is for medical purposes, documentation supporting the fact of treatment by the health care provider;

(c) If the leave is to meet with a law enforcement officer or a prosecutor, documentation of that meeting from the officer or prosecutor;

(d) If the leave is to meet with counsel, an attorney, or other person providing assistance or services, documentation of that meeting from the counsel, attorney, or person providing the assistance or services"

In line 650, delete " or is the" and insert " ;

(iii) The"

In line 652, delete "(iii)" and insert "(iv)"

In line 668, after "Code" insert "or a consent agreement approved under section 3113.31 of the Revised Code"

In line 693, delete "are"

In line 694, delete "cotenants" and insert "is at least one cotenant"

In line 712, after "services" insert "as such a victim"

In line 715, after "of" insert "division (D) of"

In line 745, after "days" insert "after the landlord changes the lock"

In line 778, delete "of" and insert "after"

In line 803, after "Code" insert "or a consent agreement approved under section 3113.31 of the Revised Code"

After line 851, insert:

" **Section 4.** (A) A reasonable accommodation includes actions such as providing a safer parking place or a different phone extension, moving the employee to a different physical location within the employer's facility or to a different facility, or making other changes that permit the employee to perform essential job functions without posing a significant risk of harm to the safety of the employee or others.

(B) In determining whether an accommodation imposes an undue hardship, factors to be considered include all of the following:

(1) The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits, deduction, and outside funding;

(2) The overall financial resources of the facility involved in the provision of the reasonable accommodation, the number of persons employed at the facility, and the effect on expenses and resources;

(3) The overall financial resources of the employer, the overall size of the employer's business with respect to the number of employees, and the number, type, and location of its facilities;

(4) The type of operation of the employer, including the composition, structure, and functions of the workforce of the employer and the geographic separateness and administrative or fiscal relationship of the facility in question to the employer;

(5) The impact of the accommodation on the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business."

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 96, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Lehner
Letson	Luckie	Lundy	Maag
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Schneider	Sears
Skindell	Slesnick	Snitchler	Stautberg
Stebelton	Stewart	Sykes	Szollosi
Uecker	Ujvagi	Wachtmann	Wagner
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko	Zehringer	Budish-96.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Stautberg moved to amend as follows:

In line 19, after "4113.82," insert "4113.821,"

Between lines 553 and 554, insert:

" Sec. 4113.821. An employer that develops a policy in accordance with division (A)(1) of section 4113.82 of the Revised Code and complies with that policy is not civilly liable for any injury to, or harm suffered by, any employee or third party when that harm or injury is caused or initiated by an individual who, against an employee, has committed, is alleged to have committed, or who has threatened to commit domestic violence or stalking, or by another person acting on that individual's behalf."

The question being, "Shall the motion to amend be agreed to?"

Representative Heard moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 45, as follows:

Those who voted in the affirmative were: Representatives

Belcher	Bolon	Book	Boyd
Brown	Carney	Celeste	Chandler
DeBose	DeGeeter	Dodd	Domenick
Driehaus	Dyer	Fende	Foley
Garland	Garrison	Gerberry	Goyal
Harris	Harwood	Heard	Letson
Luckie	Lundy	Moran	Murray
Newcomb	Oelsluger	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Sayre	Schneider	Skindell	Slesnick
Stewart	Sykes	Szollosi	Ujvagi
Weddington	Williams B.	Williams S.	Winburn
Yates	Yuko		Budish-51.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Blair	Blessing	Boose	Bubp
Burke	Coley	Combs	Daniels
Derickson	Dolan	Evans	Gardner
Goodwin	Grossman	Hackett	Hall
Hite	Hottinger	Huffman	Jordan
Lehner	Maag	Mandel	Martin
McClain	McGregor	Mecklenborg	Morgan
Ruhl	Sears	Snitchler	Stautberg
Stebelton	Uecker	Wachtmann	Wagner
			Zehringer-45.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 58, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Baker	Belcher	Bolon
Book	Boyd	Brown	Carney
Celeste	Chandler	DeBose	DeGeeter
Dodd	Dolan	Domenick	Driehaus
Dyer	Fende	Foley	Garland
Garrison	Gerberry	Goyal	Harris
Harwood	Heard	Hottinger	Letson
Luckie	Lundy	Mandel	McGregor
Moran	Murray	Newcomb	Oelsluger
Okey	Otterman	Patten	Phillips
Pillich	Pryor	Sayre	Schneider
Skindell	Slesnick	Snitchler	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-58.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Balderson
Batchelder	Beck	Blair	Blessing
Boose	Bubp	Burke	Coley
Combs	Daniels	Derickson	Evans
Gardner	Goodwin	Grossman	Hackett
Hall	Hite	Huffman	Jordan
Lehner	Maag	Martin	McClain
Mecklenborg	Morgan	Ruhl	Sears
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-38.

The bill passed.

Representative Murray moved to amend the title as follows:

Add the names: "Belcher, Brown, Celeste, Chandler, DeBose, Dodd, Dyer, Fende, Garland, Garrison, Lundy, Newcomb, Patten, Skindell, Szollosi, Williams, B., Winburn, Yates."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. H. B. No. 271-Representatives Patten, Stewart.

Cosponsors: Representatives DeGeeter, Dodd, Domenick, Foley, Garland, Gerberry, Goyal, Hagan, Harris, Letson, Luckie, Mallory, Murray, Oelslager, Phillips, Pryor, Szollosi, Ujvagi, Brown.

To amend sections 4117.01 and 4117.09 of the Revised Code to modify coverage of the Public Employees' Collective Bargaining Law with respect to township fire departments, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 54, nays 42, as follows:

Those who voted in the affirmative were: Representatives

Bacon	Belcher	Bolon	Book
Boyd	Brown	Carney	Celeste
Chandler	DeBose	DeGeeter	Dodd
Domenick	Driehaus	Dyer	Fende
Foley	Garland	Garrison	Gerberry
Goyal	Grossman	Harris	Harwood
Heard	Letson	Luckie	Lundy
McGregor	Moran	Murray	Newcomb
Oelslager	Okey	Otterman	Patten
Phillips	Pillich	Pryor	Sayre
Schneider	Skindell	Slesnick	Stewart
Sykes	Szollosi	Ujvagi	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko			Budish-54.

Those who voted in the negative were: Representatives

Adams J.	Adams R.	Amstutz	Baker
Balderson	Batchelder	Beck	Blair
Blessing	Boose	Bubp	Burke
Coley	Combs	Daniels	Derickson
Dolan	Evans	Gardner	Goodwin
Hackett	Hall	Hite	Hottinger
Huffman	Jordan	Lehner	Maag
Mandel	Martin	McClain	Mecklenborg
Morgan	Ruhl	Sears	Snitchler
Stautberg	Stebelton	Uecker	Wachtmann
Wagner			Zehringer-42.

The bill passed.

Representative Patten moved to amend the title as follows:

Add the names: "Book, Boyd, Carney, Celeste, Chandler, DeBose, Driehaus, Dyer, Fende, Garrison, Harwood, Heard, Lundy, Okey, Otterman, Pillich, Sayre, Skindell, Slesnick, Weddington, Williams, B., Williams, S., Winburn, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Sub. S. B. No. 106-Senators Buehrer, Kearney.

Cosponsors: Senators Miller, R., Schuler, Seitz, Turner, Fedor, Gillmor, Harris, Hughes, Schiavoni, Wagoner, Wilson, Smith, Sawyer. Representatives Book, Stautberg, Harwood, Skindell, Foley, Stebelton, Okey.

To amend sections 2101.16, 2107.76, 2109.21, 2111.05, 2111.18, 2125.04, 2305.19, 5747.01, and 5815.31 of the Revised Code to exclude from the application of the savings statute certain estate and trust proceedings that have limitation periods, to raise the threshold amount for the termination or avoidance of guardianships of small estates of wards, to raise the threshold amount for the avoidance of guardianship upon the settlement of claims of minors or adult incompetents, to clarify that termination of marriage revokes any trust provision conferring a beneficial interest on the former spouse, to modify the period within which a plaintiff in a wrongful death action may commence a new action after the reversal of a judgment for the plaintiff or the plaintiff's failure otherwise than upon the merits, and to modify the residency qualifications for a person's appointment as a guardian, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 95, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Adams J.	Adams R.	Amstutz	Bacon
Baker	Balderson	Batchelder	Beck
Belcher	Blair	Blessing	Bolon
Book	Boose	Boyd	Brown
Bubp	Burke	Carney	Celeste
Chandler	Coley	Combs	Daniels
DeBose	DeGeeter	Derickson	Dodd
Dolan	Domenick	Driehaus	Dyer
Evans	Fende	Foley	Gardner
Garland	Garrison	Gerberry	Goodwin
Goyal	Grossman	Hackett	Hall
Harris	Harwood	Heard	Hite
Hottinger	Huffman	Jordan	Lehner
Letson	Luckie	Lundy	Maag
Mandel	Martin	McClain	McGregor
Mecklenborg	Moran	Morgan	Murray
Newcomb	Oelslager	Okey	Otterman
Patten	Phillips	Pillich	Pryor
Ruhl	Sayre	Sears	Skindell
Slesnick	Snitchler	Stautberg	Stebelton
Stewart	Sykes	Szollosi	Uecker
Ujvagi	Wachtmann	Wagner	Weddington
Williams B.	Williams S.	Winburn	Yates
Yuko	Zehringer		Budish-95.

Representative Schneider voted in the negative-1.

The bill passed.

Representative Okey moved to amend the title as follows:

Add the name: "Adams, J., Blessing, Brown, Bubp, Carney, Chandler, Coley, Combs, DeBose, DeGeeter, Derickson, Domenick, Dyer, Evans, Fende, Gardner, Goyal, Grossman, Hackett, Hite, Huffman, Letson, Luckie, Maag, McClain, Mecklenborg, Moran, Oelslager, Pillich, Pryor, Ruhl, Sayre, Sears, Snitchler, Stewart, Szollosi, Winburn, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following changes to the committee on Rules and Reference:

Remove Representatives Moran and Harwood; appoint Representatives DeGeeter and Koziura.

Message from the Speaker

Pursuant to House Rules 13, 28, and 30, the Speaker hereby makes the following change to the committee on Finance and Appropriations:

Appoint Representative Carney (Vice Chair).

Message from the Speaker

Pursuant to Section 101.34(A) of the Ohio Revised Code, the Speaker hereby makes the following change to the Joint Legislative Ethics Committee:

Remove Representative Garrison; appoint Representative Bolon.

On motion of Representative Szollosi, the House adjourned until Thursday, December 10, 2009 at 9:00 o'clock a.m.

Attest:

THOMAS L. SHERMAN,
Clerk.